

IN THE DRAWINGS

Applicants respectfully request permission to amend the drawings as indicated on the copy of the drawings attached hereto. Specifically, Applicant requests the following changes to the figures:

In Figs. 1-3, add the legend "RELATED ART".

In Fig. 5, adjacent to the power amplifier, change "67" to -65--.

Attachment: Replacement Sheets

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3 and 9 are cancelled. Claims 1-2, 4-8, and 10-16 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

The specification has been amended to better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

Claims 2, 4, and 10-13 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, the Examiner required corrected drawings for FIGS. 1-3 and 5. FIGS. 1-3 have been amended to include the legend "RELATED ART", and FIG. 5 has been corrected. Annotated sheets showing the corrections are submitted with the Amendment.

The Abstract of the Disclosure was objected to because of informalities. The Abstract has been amended to correct the informalities.

The Title of the Invention was objected to as being not descriptive. The Title has been amended accordingly.

The disclosure was objected to because of informalities and has been amended to correct the informalities.

Claims 7 and 16 were rejected under 35 U.S.C. § 101. Claims 7 and 16 have been amended to more clearly show that the claims cover statutory subject matter. Therefore, for at least the reasons set out on pages 52-53 of the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", Applicants submit that claims 7 and 16 are in full compliance with the requirements of 35 U.S.C. § 101.

Turning now to the art rejections, (i) claims 1, 5-10, and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Whitehead (U.S. Patent No. 5,732,077), (ii) claims 2 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead in view of Brozovich (U.S. Patent No. 5,661,434), (iii) claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead in view of Sato (U.S. Patent No. 5,592,468) and Bark (U.S. Patent Application Publication No. 2002/0077138), and (iv) claims 4 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead in view of Ikegami (U.S. Patent No. 6,393,032). Claims 3 and 9 are cancelled.] Applicants submit that the remaining claims are patentably distinguishable over the relied on sections of the references..

Claim 1 has been amended to include features previously called for in claim 3. As amended herein, claim 1 recites:

wherein said controlling means compares a data length of the data with a threshold value,

if the data length is not greater than the threshold value, said controlling means controls said transmission power such that the data is transmitted at a maximum controllable transmission power level or at a first transmission power level close to the maximum controllable transmission power level, and

if the data length is greater than the threshold value, said controlling means controls said transmission power such that a first item of said information signaling a start of transmission of said data is transmitted at the maximum controllable transmission power level or at the first transmission power level, and if a second item of said information is transmitted by said administrative system based on the first information item to enable the start of transmission of said data and is received by said communicating means, said measuring means measures a reception level of the second information item and said controlling means controls the power for transmitting said data based on said reception level measured by said measuring means.

(Emphasis added.) Neither the relied on sections of Whitehead, the relied on sections of Sato, nor the relied on sections of Bark disclose or suggest controlling transmission power such that data is transmitted at a maximum controllable transmission power level or at a first transmission power level if the data length is not greater than the threshold value. Moreover, neither the relied on sections of Whitehead, the relied on sections of Sato, nor the relied on sections of Bark disclose or suggest controlling transmission power such that data is transmitted at a transmission power level based on a measured reception level of second information if the data length is greater than the threshold value.

The Examiner contends that "Bark et al. disclose wherein data is transmitted at a first transmission power level and data is transmitted at a second transmission power level lower than said first transmission power level, based on data length" and relies on ¶¶ [0026]-[0027], [0037], and [0052] of Bark. The relied on sections of Bark merely describe adjusting the transmission power level according to current traffic loads. Bark further describes that the current traffic load is determined from current interference values and estimated path loss. (See, e.g., Figs.2 and 7, and ¶¶ [0045]-[0051].) Bark is not at all concerned with data lengths and is not at all concerned with whether data lengths affect current traffic load.

Neither the relied-on sections of Whitehead nor the relied-on sections of Sato address the deficiencies of Bark.

It follows, for at least these reasons, that neither the relied on sections of Whitehead, the relied on sections of Sato, nor the relied on sections of Bark, whether taken alone or in combination, disclose or suggest the combination set out in claim 1. Claim 1 is therefore not anticipated by the relied on sections of Whitehead and, moreover, is patentably distinct and unobvious over the relied on references.

Independent claims 5, 6, and 7 have each been amended to call for features similar to those set out in the above excerpt of claim 1. Each of these claims is therefore patentably distinguishable over the relied on sections of Whitehead, Sato, and Bark for at least the reasons set out above regarding claim 1.

Claims 2 and 4 depend from claim 1. Therefore, each of these claims is distinguishable over the relied on sections of Whitehead, Sato, and Bark at least for the same reasons. Neither the relied-on sections of Brozovich nor the relied-on sections of Ikegami remedy the above-described deficiencies of the relied-on sections of Whitehead, Sato, and Bark.

Claim 8 has been amended to include features previously called for in claim 9. As amended herein, claim 8 defines an information processing apparatus for transmitting data to another information processing apparatus and which includes:

communicating means which receives information from said administrative system and which first designates an address of said information processing apparatus as a receiving address in said second information and controls transmission of said second information, and then controls transmission of said data to said another information processing apparatus via said administrative system.

(Emphasis added.) The relied on sections of Whitehead do not disclose or suggest the information processing apparatus designates an address of the information processing apparatus as a receiving address in second information, and the relied on sections of Whitehead do not disclose or suggest the information processing apparatus controls transmission of said second information.

The relied on sections of Whitehead describe a PERMIT field that includes a SEND_ID sub-field which represents the address of the sending station and a RECEIVE_ID sub-field which

represents the address of the receiving station. (See col.6 11.20-22). Such sections of the patent neither disclose nor suggest designating the RECEIVE_ID sub-field to represent the address of the sending station.

Further, the relied on sections of Whitehead describe that the receiving station transmits the PERMIT. (See col.6 11.52-65.) The relied on sections of the patent neither disclose nor suggest that the sending station also sends the PERMIT.

It follows, for at least the above reasons, that the relied on sections of Whitehead do not disclose or suggest the combination defined in claim 8 and therefore do not anticipate the claim.

Independent claims 14, 15, and 16 have each been amended to call for features similar to those set out in the above excerpt of claim 1. Each of these claims is therefore patentably distinguishable over the relied on sections of Whitehead for at least the reasons set out above regarding claim 8.

Claims 10-13 depend from claim 8. Therefore, each of these claims is distinguishable over the relied on sections of Whitehead at least for the same reasons. Neither the relied-on sections of Brozovich, the relied-on sections of Sato, the relied-on sections of Bark, nor the relied-on sections of Ikegami cure the above-described deficiencies of the relied-on sections of Whitehead.

Accordingly, Applicants respectfully request the withdrawal of the Examiner's objections and the withdrawal of the rejections under 35 U.S.C. §§ 101, 102(b), and 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such

action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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